

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Writ Petition No.34849 of 2016

Order: (per V.Ramasubramanian, J.)

The petitioner has come up with the above writ petition challenging an e-auction sale notice.

2. Heard Mr. A.Jagan, learned counsel for the petitioner and Mr. C.Prabhakar, learned counsel for the respondent-Bank.

3. As against the possession notice issued under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act), the petitioner already filed an appeal under Section 17 of the SARFAESI Act in S.A.No.445 of 2014. It appears that a conditional order was passed way back in 2014 and the same was not complied with. Subsequently, another conditional order was passed which was also not complied with.

4. Without even disclosing the conditional orders passed by the Tribunal and their own failure to comply with the same, the petitioner has come up with the present writ petition and this itself is sufficient for us to dismiss the writ petition.

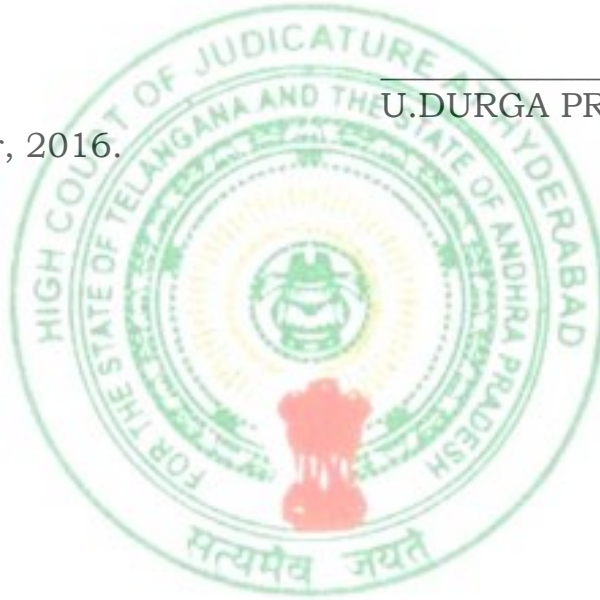
5. In any case, today we cannot grant any relief to the petitioner, since he has belied the expectation of the Tribunal twice. Therefore, there is no guarantee that one more

opportunity will enable the petitioner to make any payment. The Bank appears to have accepted a one-time settlement proposal earlier, which has also not materialized because the petitioner wanted extension of time. In such circumstances, the writ petition cannot be entertained and hence it is dismissed. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

U.DURGA PRASAD RAO, J.

17th October, 2016.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Writ Petition No.34849 of 2016
(per VRS, J.)



17th October, 2016.
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